THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 13906 of 2005

Date: 15.09.2005

Between:

V.Satya Prasad, s/o. Thirumala Rao, r/o.
H.No.2, L.I.C. Colony, Lower Tank Bund Road,
Behind N.T.R. Stadium, Hyderabad-080.

…Petitioner

and

1) The Government of Andhra Pradesh, rep. by'
its Secretary, Law (Legislative Affairs & Justice)
Courts (A.2) Department & 2 others

…Respondents

ORDER:

Heard the learned counsel for the petitioner. None appears for the

respondents.

Challenging the action of the respondents in rejecting the petitioner's medical reimbursement, the present Writ Petition is filed.

On perusal of the record, it is seen that there is no difficulty in accepting the Memo of the Government dated 11.08.2004 whereunder the claim of the petitioner was returned as per appendix II vide 5(3) (iii) of the A.P.I.M.A. Rules, 1972, stating that it is belated claim preferred after six months after the last date of the period of treatment. But, there is exception to the said Rule which is G.O. No.2323 Health dated 28.07.1961, whereunder it is provided that belated claim of officers governed by All India Services (Medical Attendance) Rules, 1954 and those by the State Medical Attendance Rules shall be referred to Government in General Administration and Health Departments respectively for special sanction. Therefore, before passing the impugned proceedings, the authority ought to have referred the matter to the General Administration and Health Department for special sanction. Hence, the impugned proceedings are set aside and the respondents are directed to refer the matter to the General Administration and Health Department for taking appropriate decision in accordance with law.

The Writ Petition is, accordingly, disposed of. No costs.

(K.C.Bhanu, J.)

15.09.2005

DRK